MANITOBA HUMAN RIGHTS COMMISSION

FREEDOM FROM DISCRIMINATION • EQUALITY OF OPPORTUNITY

THE MANITOBA HUMAN RIGHTS COMMISSION

LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

ANNUAL REPORT 2009

YOUR HUMAN RIGHTS IN MANITOBA

The underlying principle of *The Human Rights Code* (Manitoba) is the recognition of the individual worth and dignity of every person.

Discrimination under *The Human Rights Code* is treating someone differently, to their disadvantage and without a valid reason or failing to take steps to accommodate special needs that are based on the characteristics covered under *The Code*. *The Code* prohibits unreasonable discrimination in areas such as employment, housing, accommodation, the provision of services or contracts, and signs and notices.

The Code prohibits unreasonable discrimination on the following grounds, called "protected characteristics."

- Ancestry
- Nationality or national origin
- Ethnic background or origin
- Religion or creed, or religious belief, religious association or religious activity
- Age
- Sex, including pregnancy and gender identity
- Gender-determined characteristics
- Sexual orientation
- Marital or family status
- Source of income
- Political belief, political association or political activity
- Physical or mental disability

Members of other historically disadvantaged groups, not listed in this section of *The Code* may also be protected.

In determining whether discrimination has occurred, it is the effect, not the intention that counts.

Anyone (person, group or organization) may file a complaint if you believe that you have been unreasonably discriminated against in the areas of employment, housing, services, or signs and statements on the basis of the protected grounds listed above.

Most employers, landlords or service providers that are located in Manitoba are regulated by provincial law and so are bound by Manitoba's Human Rights Code. Some private businesses, such as airlines, banks, and telecommunication enterprises, as well as the federal civil service and many First Nations governments and organizations, however, are regulated by federal law. Complaints against them must, therefore, be filed with the Canadian Human Rights Commission under federal human rights law.

The Human Rights Code is a special law that overrides other provincial laws.

ATTORNEY GENERAL
MINISTER OF JUSTICE

Room
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

His Honour
The Honourable Phillip S. Lee
Lieutenant-Governor of Manitoba

Sir:

May it please your Honour, it is my pleasure to present to you, the Annual Report of The Manitoba Human Rights Commission for the year 2009.

Respectfully submitted,

Andrew Swan
Minister

THE MANITOBA **HUMAN RIGHTS** COMMISSION

LA COMMISSION DES **DROITS DE LA PERSONNE** DU MANITOBA

The Honourable Andrew Swan
Minister of Justice and Attorney General
Legislative Building
Winnipeg, MB R3C 0V8

Sir:

We are pleased to forward to you, the Minister responsible for administration of *The Manitoba Human Rights Code*, the Annual Report of the Manitoba Human Rights Commission for the calendar year ending December 31, 2009.

Jerry Woods
Chairperson

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MESSAGE FROM THE CHAIRPERSON

"This country will come of age when all people, whatever their origin, will forget their national differences and unite in one nation."

Senator James Gladstone, or Akay-na-muka

Respect, diversity and equality are the foundations of human rights in Manitoba. These qualities form an ideal we continue to strive for, but there remain people in our society who are marginalized and barriers still exist.

At times the task appears daunting. But change is achievable. We must recognize past failures and strive to correct them. Embrace today's successes and find strength in them. Look to the future. We can influence the evolution of human rights that will benefit generations to come.

We are acquiring the tools we need. The Canadian Museum for Human Rights will represent a beacon for education and hope. The University of Winnipeg has now established a degree program in human rights and global studies. We are working with such partners as the Canadian Human Rights Commission, the Manitoba Association of Rights and Liberties, the University of Winnipeg, the Winnipeg Police Service, the Office of the Ombudsman and the Children's Advocate and are forming new ones including the Treaty Relations Commission of Manitoba.

Now is not the time to be complacent. It is time to raise the bar.

Systemic issues must be addressed so that many discriminatory policies and practices are revisited through a human rights lens. Awareness campaigns must be devised so that we continue to move forward.

We need to reach out to our youth so that they learn their rights as well as their responsibilities. I intend to continue to meet with community groups and listen to what they have to say on issues that affect them. I will continue to seek out new partnerships to help find solutions.

For many years, we have valued our basic right to work, to obtain services and to find housing without outdated prejudices getting in the way.

The Manitoba Human Rights Commission continues to safeguard these ideals and to make a difference to the lives of many people living in this province. I have found that although people may express themselves in different ways, most say the same thing. They want to be included. They want respect. I truly believe everyone deserves that dignity for themselves and their families.

Jerry Woods, *Chairperson*

EXECUTIVE DIRECTOR'S REPORT

"Until all of us have made it, none of us have made it."

Rosemary Brown

Discrimination has the effect of denying equality of opportunity to a person or group. It may impose burdens or disadvantages, which are not imposed upon others, or limit access to opportunities, benefits and advantages. The Human Rights Code addresses these concerns and the Commission enforces this legislation while promoting human rights and educating the public.

We are proud of activities that were undertaken within the Commission's mandate of promoting human rights and conducting public education programs:

- Staff delivered presentations to over 1500 people, including many immigrant groups and government employees.
- A total of 225 managers, human resource professionals and lawyers attended the Commission's Human Rights Employment Seminars. This year a new seminar, Human Rights Complaints: Myths and Realities, was introduced and received enthusiastic reviews.
- A series of public service announcements were created to raise awareness of the Commission and have been widely viewed on local TV stations. They now appear on the Commission's website.
- Approximately 300 students attended youth conferences held in Winnipeg, Brandon, and The Pas and created their own Public Service Announcements.

In the area of the Commission's mandate, enforcement of *The Code*:

- Disability complaints once again represented the highest number of complaints filed (47 %). An important new trend is the steady increase in complaints filed on the basis of mental disabilities. In the past 3 years, the average number of mental disability complaints has risen to between 25% and 28% of all disability complaints received during the year.
- The overall settlement rate for complaints closed during the year was 42%.

Looking to the future, youth will continue to be a major focus of the Commission's educational activities. In that regard, a new student website (manitobaclassaction.com) will feature historical information about human rights events, link to information about current issues and protections, and encourage students to discuss human rights using social networking sites. We will also celebrate the 10th Anniversary of the Commission's youth conferences.

As mentioned earlier, as mental disabilities present unique challenges to employers and service providers, a new seminar will be developed to give practical advice.

I congratulate the staff on their extraordinary work and would like to take this opportunity to thank Suzanne Teles for her many years of dedication and wish her well in her retirement.

Dianna Scarth

COMPLAINT PROCESS - OVERVIEW

"Human rights and all that this phrase implies are based on the value of human worth and of personal dignity."

Eleanor Roosevelt

Pre-Complaint Resolution Process This is a voluntary, without prejudice process whereby the Commission mediators attempt to resolve an issue between a complainant and a respondent, prior to the filing of a formal complaint of discrimination under *The Code*. In 2009, 41 potential complaints were resolved successfully in the pre-complaint process.

Mediation The Commission encourages parties to attempt to resolve a complaint if they wish to do so, at any stage of the process, whether prior to or during an investigation. In 2009, 207 files were assigned to the three staff mediators at the pre- and mid-investigation stages. Sixty-two (62) complaints were resolved successfully in 2009 either at the pre-investigation stage with the mediator or during the investigation, both with and without Commission involvement. Fifty-one (51) complaints were resolved in pre-investigation and 11 during the investigation.

Investigation Each complaint that is not resolved in the mediation process is assigned to the investigation team that conducts interviews as well as collects and analyzes evidence. Upon completion of the investigation, a comprehensive Investigation Assessment Report is prepared, making a recommendation to the Board of Commissioners for determination pursuant to *The Code*. In 2009, the investigation team was assigned 180 formal complaints to investigate and the team completed Preliminary Assessment Reports or Investigation Assessment Reports on 148 complaints. During 2009 the average length of an investigation, including preparation of the written report, was 10.3 months. In addition to the investigation reports, the team of investigators and mediators prepared 47 reports with respect to complaints that were either withdrawn or abandoned.

Board Directed Mediation Pursuant to s.29 (2) of *The Code*, the Board of Commissioners may cause mediation to be undertaken between the parties where the evidence obtained during the investigation is sufficient to substantiate a contravention of *The Code*. In 2009, 22 files were referred to directed mediation. Nine (9) cases were voluntarily resolved at this stage.

Adjudications Pursuant to s.29 (3) of *The Code*, the Board of Commissioners can refer complaints to adjudication, either directly or after board directed mediation is not successful. In 2009, 9 files were referred to adjudication and 1 adjudication hearing was held. In addition, 10 files which had been referred to adjudication were settled by legal counsel in 2009, in advance of a hearing scheduled to take place.

SYSTEMIC DISCRIMINATION

"Labels are for filing.
Labels are for clothing.
Labels are not for people."

Martina Navratilova

Discrimination often offends the individual worth and dignity of a person. It may be based on stereotypes or have the effect of promoting the view that the person or group is less capable or worthy of recognition as a member of society.

Discrimination can be systemic. This happens when a mix of rules or practices may not appear discriminatory when looked at one by one but together result in discrimination. It occurs when policies or procedures have a discriminatory affect on a specific group of people.

The Commission is receiving more and more complaints that are systemic in nature. These require extra time and resources to investigate, research and resolve. Once resolved, however, they benefit a group of people who have been systemically discriminated against.

There may be a misconception that individual human rights complaints that are resolved through settlements or adjudications only remedy the discrimination experienced by that individual complainant. In fact, individual complaints often have a positive impact on large groups of people, because they can change a discriminatory practice.

Alternatively, complaints may be filed on behalf of a group of people who believe they are facing systemic barriers and the remedies achieved will benefit large groups as well.

The following is an example of a systemic discrimination resolution from 2009:

Grounds: ancestry and country of origin
Area: Employment and Services
Settled prior to adjudication

The Association of Foreign Medical Graduates in Manitoba filed complaints alleging discrimination against international medical graduates (IMGs).

The Association also asserted that due to existing policies and practices, systemic discrimination resulted in IMGs being significantly less likely to obtain a residency position than either internationally trained doctors from Western European countries or Canadian graduates.

Since the complaints were filed, the mediation and subsequent negotiations amongst the parties resulted in systemic changes to training and licensing for IMGs. A significantly greater number of IMGs are now accessing residency positions each year and a number of specialized supports and resources are available to them.

ADJUDICATIONS AND DECISIONS

"It is often easier to become outraged by injustice half a world away than by oppression and discrimination half a block from home."

Carl T. Rowan

A decision from a 2008 hearing was released and one hearing was held in 2009. Both full decisions are available on the Commission's website.
www.manitoba.ca/hrc/decisions

Adjudicator M. Lynne Harrison ruled that a Brandon apartment block management company discriminated against a woman by restricting families with children to main floor apartments. She ordered that Martin-Liberty Realty Ltd. remove the restriction from its standard lease of the Amberwood Village and pay Wendy Hiebert $1,000.00 for damages.

The Commission guidelines *You can support human rights in rental housing – your rights and obligations*, which were released the same month as this decision, deal with such topics as what the *Human Rights Code* says about discrimination in rental housing, who is legally responsible for discrimination and what is involved in reasonably accommodating the special needs of a tenant.
www.manitoba.ca/hrc/guidelines_rentalhousing

Also in 2009, for the first time in Manitoba, a case of discrimination based on a person's criminal record was heard at a human rights hearing. The case revolved around the requirement that a new caretaker for a seniors housing complex in Winnipeg go through a criminal record check. The Commission accepted in this case that it was appropriate to check the criminal record of the new employee to ensure that there was no risk to tenants' safety.

It took issue, however, with the manner in which this requirement was applied. The employer refused to give the caretaker the time he needed to complete the check and then fired him shortly after.

For the purposes of deciding this complaint, Adjudicator Peter Sim also accepted that criminal reference checks or other differential treatment based on a criminal record can be discriminatory if the employer cannot show a reasonable justification. He did not accept however, that the dismissal in this case was discriminatory. He found that the evidence revealed that the employee's job was terminated due to his substandard work performance during his first month of employment.
http://manitoba.ca/hrc/decisions

MONITORING REPORT

"Rights are not handed down from above; they are forced by pressures from below."

Roger Nash Baldwin

The University of Manitoba has submitted hiring data each year for a 3 year period, pursuant to a settlement agreement. This report includes the third submission to the period ending April 1, 2010.

As a general objective, the University expressed its commitment to improving the status of all women at the University in matters concerning their equitable treatment.

The most recent hiring data reflects a small increase in the percentage of women in the category of "all academics" (which includes those with professorial rank, lecturers, instructors, research associates and librarians), rising from 38.7% to 42.8% between April 1, 2007 and April 1, 2010. However, women still make up only 22.8% of the academics who hold a rank of full professor, an increase of just 4.1 % over 3 years. The total number of academics at the University during that time period increased from 1,462 to 1,534.

Overall, the percentage women among tenured faculty rose from 52.8% to 58.6% during the three year period covered by the settlement.

Over the last year, the university has responded to a Federal Contractors Review, including conducting an employment systems review in order to identify potential barriers that may impact the recruitment, promotion and retention of women, racialized persons, Aboriginal Peoples and persons with disabilities. As well, the University of Manitoba has recognized that groups other than those noted above have historically experienced discrimination, and it has included sexual orientation and gender identity in its latest census.

An Equity Committee made recommendations for systemic changes and the University is currently in the developmental stages of implementing the recommendations. Departments submitted reports that provided comparative data from national organizations and identified equity committees to consider:

- The visibility of the department's efforts related to equity and diversity
- Past success and problems in terms of recruitment retention and promotion
- Midcareer and late career issues
- Diversity in the student population and diversity in the departmental curriculum and paths to degrees.

AWARENESS AND EDUCATIONAL INITIATIVES

"The whole purpose of education is to turn mirrors into windows."

Sydney J. Harris

The Manitoba Human Rights Commission continues to make education of human rights in Manitoba a priority. In 2009 work began on a new user-friendly website. This website also will feature the Public Service Announcements, which have been airing on local television stations.

The Public Service Announcements were produced with the help and support of some very special friends. Included in the castings are Winnipeg Symphony Orchestra Maestro Alexander Mickelthwate and Rap Musician Wab Kinew. Also taking part are former Blue Bomber Troy Westwood with Winnipeg Royal Ballet Dancer Jacelyn Lobay and Comedian Daddy Tazz with Arlene Ursel, who won a Manitoba human rights case regarding services and disability in 2008.

The new website will make it easier for anyone wanting to understand their human rights in Manitoba or needing to know how to file a complaint, or how to respond to a complaint. There is also information available to employers, service providers and landlords so that they can better understand their rights and obligations.
www.manitoba.ca/hrc

The Human Rights Youth Conferences remain the centre of the Commission's youth initiatives and are now held three times a year in Winnipeg, Brandon and the North. This year students in Winnipeg and Brandon wrote, produced, directed and acted in their own messages during the Rights! Camera! Action! workshop. Almost 30 Manitoba schools now have their PSAs on the Commission's website. Northern students will be contributing their videos in 2010.

Quick Links to the Manitoba Human Rights Commission website:
www.manitoba.ca/hrc/psas
www.manitoba.ca/hrc/youthpsa
www.manitoba.ca/hrc/bulletins.

New website helps students get involved in human rights
The Manitoba Human Rights Commission continues to forge ahead with its youth initiatives and the Manitoba Class Action student/teacher website.
www.manitobaclassaction.com

This site, which is near completion, is designed to help students get involved with human rights and learn more about Manitoba's *Human Rights Code*. Every week a past human rights event, which

is described by a student, is featured. The description of the event is followed by questions and explanations as to its human rights significance today and provides links to more information on the Commission's website and others. The Manitoba Class Action site also has a human rights quiz.

Students can learn more, work on a project for school or get involved in a way to improve the human rights of people in Manitoba, Canada and around the world. They also can watch and listen to what other students are talking about or use the social media to connect and learn from others.

Teachers are encouraged to use this site as a learning tool for classroom projects and discussions.

The Manitoba Class Action website is based on a book by Human Rights Consultant Stephen Hammond called *Steps in the Rights Direction - 365 Human Rights Events that Changed the World.*

New guidelines

On another education front, The Manitoba Human Rights Commission has been updating its guidelines and writing new ones. In 2009 two new guidelines were published: *You can support human rights in rental housing* and *You can support human rights in Condominium Housing.* Also *Pre-employment inquiries: You can respect human rights in hiring* was updated and reprinted.

The Commission is continuing to update and consider new guidelines. *Parents and Pregnant Women*, which will provide information on protections from discrimination on the basis of pregnancy and marital and/or family status in employment, housing and services under *The Human Rights Code* (Manitoba), will be available in early 2010, as will *Protections from Discrimination Based on Gender Identity; Your Rights, Your Obligations*, which identifies protections from discrimination on the basis of gender identity under *The Human Rights Code* (Manitoba) in employment, services and housing.
www.gov.mb.ca/hrc/guidelines_main

Education programs

The Commission's education seminars for employers, human resource specialists and supervisors continue to be successful and in 2009 a new workshop was offered – *Workplace Human Rights Complaints: Myths, Fears and Realities.*
www.manitoba.ca/hrc/workshops

Awards

Each year the Manitoba Human Rights Commission and its partners, the Canadian Human Rights Commission and the Manitoba Association for Rights and Liberties recognize individuals or groups who have promoted respect for human rights and fundamental freedoms. The 2009 recipient of the Human Rights Commitment Award of Manitoba was Ali Saeed. The 2009 recipient for the Sybil Shack Human Rights Youth Award was Anna-Celestrya Carr.
www.gov.mb.ca/hrc/awards
www.gov.mb.ca/hrc/publications/news_releases/12-01-2009.

COMMISSIONERS

"You cannot subvert your neighbor's rights without striking a dangerous blow at your own."

Carl Schurz

Chairperson

Jerry Woods is a proud member of the Couchiching First Nation and hosts all the Commission's youth conferences. His background in the labour movement and his expertise as a negotiator serve him well as a strong advocate for Aboriginal employment and human rights issues. He continues to work in the community as an activist and strives for equitable outcomes with a dedication to improving the quality of life for all people. Jerry's passion is golf, and his joy is his family, wife Cathy, their six children, and ten grandchildren.

Vice-Chairperson

Yvonne Peters has a Bachelor of Arts and a Bachelor of Law from the University of Saskatchewan and a Bachelor of Social Work from the University of Regina. She practices equality rights law in Winnipeg, providing legal consultation and advice to unions, community groups, human rights organizations, the corporate sector and governments. Her community work includes serving on the Council of the Manitoba Bar Association, the Board of Directors of the Canadian Women's Health Network and serving on the Human Rights Committee of the Council of Canadians with Disabilities.

Commissioners

Robin Dwarka is the Director of Finance for Legal Aid Manitoba. She is a Certified Management Accountant (CMA) and has a Bachelor of Commerce (Honours) from the University of Manitoba. Robin is a founding member of the Manitoba Pan Handlers, a local steel band. In 2009, a group of young professionals including Robin came together to form Anansi, a school for the performing arts to promote the Caribbean culture through dance, music and drama to youth in Winnipeg. Robin is the Secretary/Treasurer for the Manitoba Association for Rights and Liberties (MARL).

Elliot Leven is a lawyer by profession and his preferred areas of practice are labour and employment law and Aboriginal law. He is an active member of Winnipeg's gay and Jewish communities. He is the president of the Community Unemployed Help Centre, a member of various Law Society of Manitoba committees, and on the Board of the Manitoba Council of Administrative Tribunals (MCAT).

Sheena Rae Reed was born and raised in Flin Flon and her love of the North resulted in her returning to her hometown after receiving her Arts Degree from the University of Manitoba and

studying two years of law. Once she returned to Flin Flon, she began working in social services and today she works with Child and Family Services for the Government of Manitoba. For the last seventeen years Sheena has coached girls' gymnastics and has been involved in Big Brothers/Big Sisters. She is also a Board Member of the Northern Women's Resource Centre in Flin Flon, the Vice-President of the Flin Flon Friendship Centre's Board of Directors and the past President of the Manitoba Association of Friendship Centres.

Ajit Kaur Deol, O.M. Ajit has a BA (Honours) and a MA from the University of Toronto. She was a teacher at Edward Schreyer High School in Beausejour and Maples Collegiate in Winnipeg for many years. Ajit is credited with developing the Caroline McMorland School for the mentally disabled in Ontario, where she was principal for seven years. In 1985-86, Ajit was the first woman president of a Sikh Gurudwara (temple) in North America. She has been on the Board of Directors of countless organizations including the Immigrant Women's Association of Manitoba and is currently a member of the Advisory Committee Punjab Foundation, a member on the Cabinet Committee on Agencies, Boards and Commissions, and a Director on the Board of the Seven Oaks School Education Scholarship Foundation.

Joan Hay has lived in Winnipeg's inner city for over twenty years. She was a Research Assistant/Community Interviewer for two books on community development, *In Their Own Voices: Urban Aboriginal Community Development* (2006) and *Doing Community Development* (2007). Joan co-hosts a radio show called "Inner City Voices" on CKUW, the University of Winnipeg's community station, and is the founding member and Past President of the Inner City Aboriginal Neighbours (I-CAN) group. She also is involved with many inner city boards and committees and currently works at the Ma Mawi Wi Chi Itata Centre Inc. as a Community Helper/Emergency Services Worker. Joan is of Ojibwe/Dakota descent from Waywayseecappo First Nation in Manitoba.

Leo Aniceto started working as a staff lawyer for Somerset Law Office, Family Unit, Legal Aid Manitoba in November of 2007. Prior to this, he practiced on his own for about five years helping clients in the areas of family law, criminal law, child protection and real estate. Leo has three children. He is a member of the Filipino community and enjoys helping fellow Filipinos with their legal problems whenever he can.

Karen Banuga is a Research Officer and Access and Privacy Coordinator for the Assiniboine Community College. She has a Bachelor of Arts Degree from Brandon University and is a member of the Islamic Community. Karen is a strong advocate of women's rights and is an active member of the Manitoba Government Employees Union and Chief Steward. She loves to travel and finds it helpful in understanding other cultures and belief systems. Karen is married with four children.

RÉSUMÉ EN FRANÇAIS DU RAPPORT ANNUEL DE 2009 DE LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

Le respect, la diversité et l'égalité sont les fondements des droits de la personne au Manitoba. Ce sont des qualités idéales vers lesquelles nous continuons de tendre. Cependant, il reste encore dans notre société des personnes marginalisées et des obstacles à ces qualités idéales.

Depuis de nombreuses années, nous apprécions notre droit fondamental de travailler, notre droit d'obtenir des services et celui de trouver un logement sans que des préjugés archaïques ne nous en empêchent. La Commission de la personne du Manitoba continue de défendre ces idéaux et d'apporter des changements positifs dans la vie de nombreuses personnes au Manitoba.

Traitement des plaintes – Vue d'ensemble

Processus de règlement préalable au dépôt d'une plainte – Il s'agit d'un processus volontaire mené sous réserve de tous droits qui donne la possibilité aux médiateurs de la Commission de chercher à régler le différend entre un plaignant et un intimé avant le dépôt d'une plainte officielle pour discrimination. En 2009, 41 dossiers ont été résolus au stade de ce processus.

Médiation – En 2009, 207 dossiers ont été confiés aux trois médiateurs de la Commission à l'étape préalable à l'enquête ou durant l'enquête. Soixante-deux (62) plaintes ont été réglées avec succès en 2009, soit à l'étape préalable à l'enquête avec l'aide d'un médiateur, soit pendant l'enquête, avec ou sans l'intervention de la Commission. Cinquante et une (51) plaintes ont été réglées à l'étape préalable à l'enquête, et 11 pendant l'enquête.

Enquête – En 2009, l'équipe chargée des enquêtes a enquêté sur 180 plaintes officielles et rédigé un rapport d'évaluation préliminaire ou un rapport d'évaluation d'enquête sur 148 d'entre elles. En 2009, la durée moyenne d'une enquête, y compris le temps consacré à la rédaction du rapport, a été de 10,3 mois. De plus, l'équipe des enquêteurs et les médiateurs ont rédigé 47 rapports sur des plaintes qui ont été retirées ou abandonnées.

Médiation ordonnée par le conseil – En 2009, 22 dossiers ont fait l'objet d'une médiation ordonnée par le conseil. En 2009, neuf dossiers ont été réglés de plein gré à ce stade.

Arbitrage – En 2009, neuf dossiers ont été soumis à l'arbitrage, et une audience d'arbitrage a eu lieu. En outre, 10 dossiers qu'on avait renvoyés en arbitrage ont été réglés par les avocats avant l'audience prévue.

Discrimination systémique

Certains peuvent croire, à tord, que le règlement, y compris par arbitrage, des plaintes relatives aux droits de la personne constitue une réparation uniquement pour la personne qui a été victime de discrimination. De fait, les plaintes individuelles ont souvent un effet positif sur de larges groupes de personnes. Par exemple, toutes les personnes se déplaçant en fauteuil roulant manuel bénéficieront du règlement d'une plainte individuelle qui a donné lieu à l'installation d'une main courante sur une rampe d'accès à un bâtiment public, la rendant ainsi plus accessible.

Des plaintes peuvent également être déposées au nom de groupes qui croient faire face à des obstacles systémiques (comme les politiques et les règlements qui s'appliquent aux médecins formés à l'étranger), et la mise en œuvre des mesures de réparation profitera à de nombreuses personnes également.

Arbitrage et décisions
Une décision a été rendue concernant une audience tenue en 2008 et une audience d'arbitrage a eu lieu en 2009.

L'arbitre, M[me] Lynne Harrison, a jugé qu'une entreprise de gestion immobilière avait commis un acte discriminatoire envers une femme en limitant les familles avec enfants à louer des appartements du rez-de-chaussée. Elle a enjoint Martin-Liberty Realty Ltd. de retirer cette restriction de son bail standard pour le Amberwood Village et de verser des indemnités de 1000 $ à M[me] Wendy Hiebert.

En 2009, pour la première fois au Manitoba, une plainte pour discrimination fondée sur le casier judiciaire a fait l'objet d'une audience en matière de droits de la personne. La plainte était axée sur l'exigence pour le nouveau concierge d'un ensemble résidentiel pour personnes âgées de subir une vérification de casier judiciaire. La Commission a convenu qu'il était approprié de soumettre le nouvel employé à une vérification de casier judiciaire, afin de veiller à ne pas compromettre la sécurité des locataires.

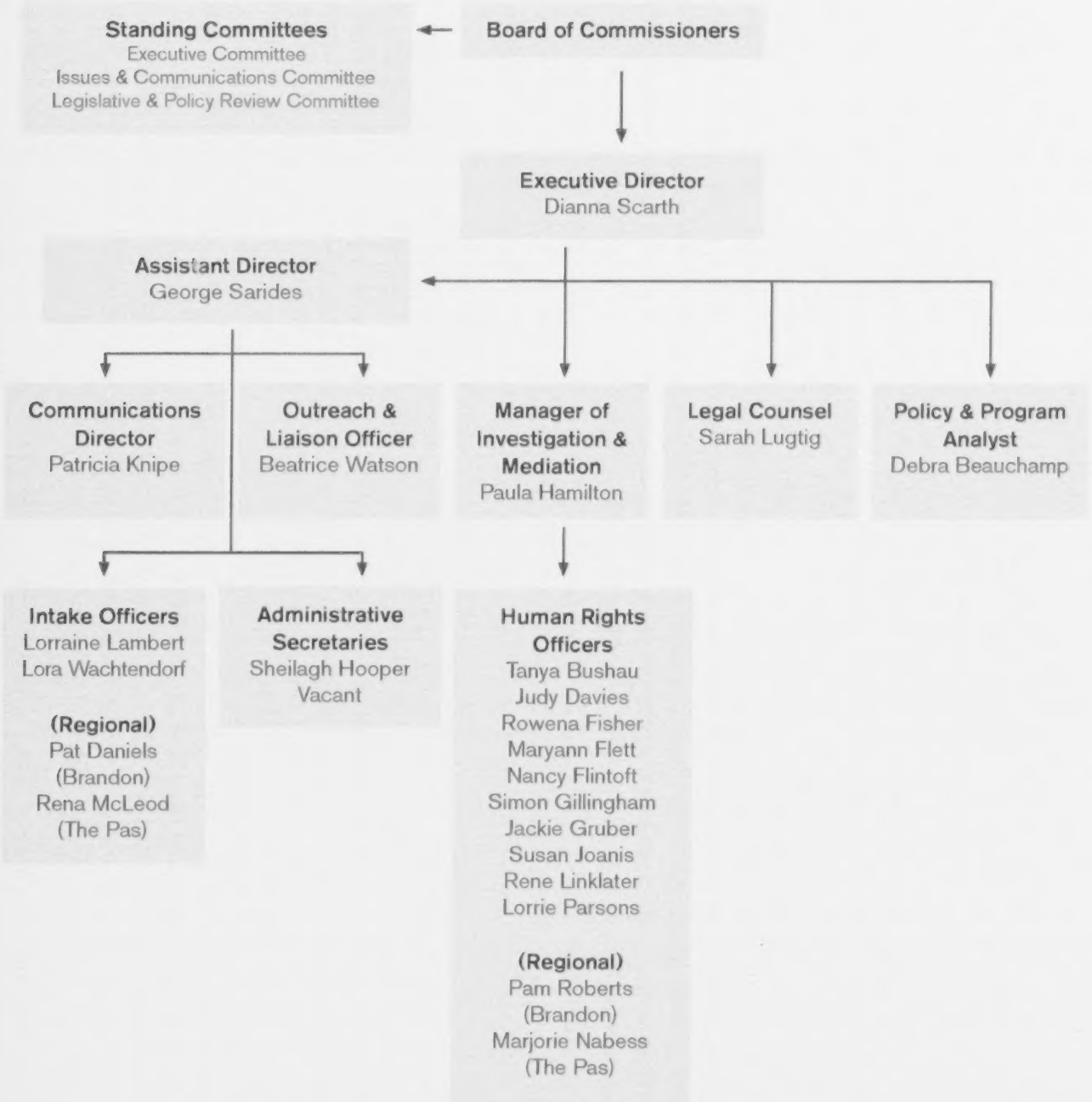
L'arbitre, M. Peter Sim, a convenu que les vérifications de casier judiciaire ou tout autre traitement différent fondé sur le casier judiciaire peuvent être discriminatoires si l'employeur n'a pas de justification raisonnable. Cependant, il n'a pas jugé que le congédiement était discriminatoire. Il a conclu que l'employeur avait prouvé que le congédiement de l'employé était attribuable à son faible rendement pendant son premier mois de travail.

Initiatives d'éducation et de sensibilisation
L'éducation sur les droits de la personne continue d'être une des priorités de la Commission. En 2009, elle a fait diffuser cinq messages d'intérêt public sur les chaînes locales de télévision au Manitoba; elle a amorcé la refonte de son site Internet pour le rendre plus convivial; elle a poursuivi le travail sur son site Leçon sur les droits de la personne, conçu à l'intention des élèves et des enseignants; et elle a continué à tenir ses conférences des jeunes, qui ont beaucoup de succès.

Toujours sur le front de l'éducation, la Commission a mise à jour ses lignes directrices existantes et en a publié de nouvelles. Deux nouvelles lignes directrices ont été publiées en 2009, intitulées *Vous pouvez appuyer les droits de la personne en matière de logement locatif* et *Vous pouvez appuyer les droits de la personne en matière de logement en copropriété.*

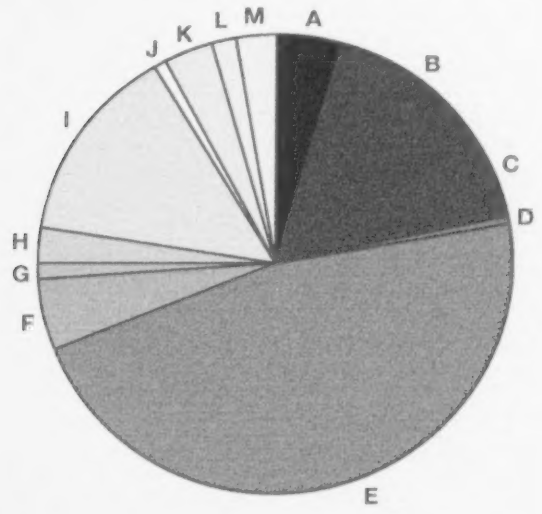
MANITOBA HUMAN RIGHTS COMMISSION

Organization Chart 2009



STATISTICS

Formal Complaints Registered in 2009 - By Grounds



- A Age (11)
- B Ancestry (28)
- C National Origin (13)
- D Ethnic Origin (1)
- E Disability (111)
- F Marital/Family Status (12)
- G Political Belief (3)
- H Religion (6)
- I Sex (incl. Pregnancy) (33)
- J Gender Det. Characteristics (2)
- K Sexual Orientation (8)
- L Source of Income (4)
- M Other (6)

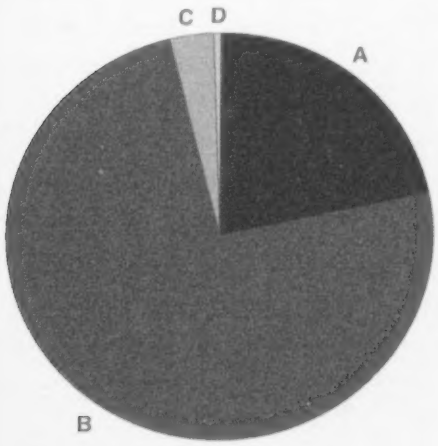
Total Complaints Registered = 238

Files Closed by Grounds in 2009

Area	Pre-complaint Resolution	Pre-Board Settlements	Withdrawn / Abandoned	Dismissed by Board	Terminated / Offer Found Reasonable	Settled By Board Directed Mediation	Referred to Adjudication	Settled Prior to Adjudication
Age	4	4	2	9	1	0	0	0
Ancestry	3	5	10	19	1	1	0	4
National Origin	0	0	3	2	0	0	0	0
Ethnic Origin	0	0	0	1	0	0	0	0
Disability	22	39	12	45	0	5	5	4
Marital/Family	2	4	4	5	0	0	2	2
Political Belief	0	0	0	0	0	0	0	0
Religion	2	0	1	3	0	0	0	0
Sex (including Pregnancy)	5	7	12	24	1	1	1	0
Gender Determined Characteristics	0	0	1	6	0	0	0	0
Sexual Orientation	1	2	2	0	1	0	0	0
Source of Income	2	0	0	6	0	0	0	0
Other	0	1	0	2	0	2	1	0
TOTALS	41	62	47	122	4	9	9	10

Total Complaints by Grounds 2009 304

Formal Complaints Registered in 2009 - By Area



A Services (52)
B Employment (177)
C Housing (8)
D Contracts (1)

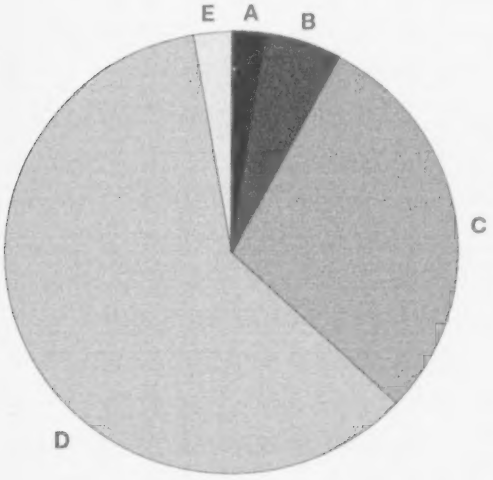
Total Complaints Registered = 238

Files Closed by Area in 2009

Area	Pre-complaint Resolution	Pre-Board Settlements	Withdrawn / Abandoned	Dismissed by Board	Terminated / Offer Found Reasonable	Settled By Board Directed Mediation	Referred to Adjudication	Settled Prior to Adjudication
Services	9	4	16	29	2	4	6	6
Employment	29	56	31	85	1	5	3	3
Contracts	0	0	0	1	0	0	0	0
Housing	3	2	0	6	1	0	0	1
Other	0	0	0	1	0	0	0	0
TOTALS	41	62	47	122	4	9	9	10

Total Complaints by Area 2009 304

Formal Complaints Registered in 2009 - By Nature of Allegations



A Sexual Harassment (6)
B Other Harassment (13)
C Reasonable Accommodation (69)
D Differential Treatment (144)
E Reprisal (6)

Total Complaints Registered = 238

Files Closed by Nature of Allegation in 2009

Nature of Allegation	Number of Complaints
Sexual Harassment	13
Other Harassment	9
Reasonable Accommodation	107
Differential Treatment	169
Reprisal	6

Total Complaints by Nature of Allegation 304

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